

9138

THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Rae, et al

JURISDICTION

This cause of action happened in New Hampshire. The Complaint is before the court under 42 U.S.c.1983.

PARTIES

1. Josephine Amatucci, P. O. Box 272, Woleboro Falls, NH. 03896
2. State Trooper Rae,
3. NH State Police, Trooper E in Tamworth
4. David Marasco, Director of DMV, individually
5. The Department of Motor Vechicles, under 1983 officially

RELEVANT FACTS

UNDER ARTICLE 15 OF THE STATE CONSTITUTION OF THE NH GOV. ....BILL OF RIGHTS...RIGHT OF THE ACCUSED....."No subject shall be derpived of his property or privileges , deprived of his LIBERTY , but by the judgment of his peers, or the LAW OF THE LAND. in any offense punishable by deprivation of liberty the person shall the right to counsel at the expense of the state.

The UNITED STATES SUPREME COURT stated in the case of Davis v. Wechsler "Where rights secured by the Constitution are involved, there can be no ruling made by a judge that would abrogate them. The State courts may deal with what they think is proper in local matters, but they CANNOT treat it as defeating a plain assertion of a FEDERAL RIGHT. (The right

to Due Process that of a HEARING required BEFORE the Plaintiff's liberty rights were suspended).

WHEREFORE: The Plaintiff is demanding her right to a trial of her peers, as allowed under the law of the land. For the suspension of the Plaintiffs liberty rights without due process.

.....  
Under Section 265:30 Chapter 265 RULES OF THE ROAD it states:

**VEHICLE ENTERING STOP OR YIELD INTERSECTION OR HIGHWAY**

"Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by RSA 265:31,11 and after having stopped shall yield the right of way to any vehicle which .....HAS ENTERED THE INTERSECTION from another highway or which is .....APPROACHING SO CLOSELY ON SAID HIGHWAY AS TO CONSTITUTE AN IMMEDIATE HAZARD DURING THE TIME WHEN SUCH DRIVER IS MOVING ACROSS OR WITHIN THE INTERSECTION."

Evidence will show that the defendant Rae admitted that she was approaching 711 at the time, that the Plaintiff made a left on the highway, that she was travelling, therefore where the 711 store is NOT NOT NOT so close as to constitute an immediate hazard when the Plaintiff made a left turn on the highway. This evidence is all in the files on where Rae stated she was travelling at the time that the Plaintiff allegedly did not stop at the stop sign.

6. The Plaintiff is mandating that under the law this Court IMMEDIATELY reverses the unlawful suspension of her license, which was denied her in violation of her State and Federal Due Process Rights, by the Department of Motor Vehicles. An incident that occurred way back in 2021.

7. That this Court under the law, must immediately allow her driving privileges, under her rights under the Due Process Clause, which is found in the Fourteenth Amendment to the United States Constitution, and the State Constitution, which

prohibits the deprivation of "life, liberty, or property" by the FEDERAL AND STATE GOVERNMENT, "WITHOUT DUE PROCESS" WITHOUT A HEARING.

8. A violation of Due Process when Mr. Marasco, the Director of the Department of Motor Vehicles, a policymaking official, denied the Plaintiff her Due Process rights to a HEARING before he suspended her license to drive. When she pleaded for her rights to a HEARING.

#### THE LAW

9. The clause in Section One of the Fourteenth Amendment to the United States provides:

"nor shall any State deprive any person of life, liberty, or property, without due process of law".

10. Where no local decision, no local ruling, no local proceeding can and will OVERRIDE one's Constitutional protections.

11. Where the Plaintiff could defend any claims that the defendants had against her, and with evidence.

12. That where Mr. Marasco, the Director of DMV, is a policymaking official, violated the Plaintiff's Federal and State Constitutional rights, to a HEARING, before her license to drive was suspended, under a Monell claim, the Department of Motor Vehicles is liable for damages for Maracuso's unlawful Act against the Plaintiff. And where Morasco in a CONTINUING CONDUCT, orders that a person be re-examined without first allowing that person her Constitutional rights to a Hearing, as what occurred when the former police chief Dean Rondeau filed a fraudulent complaint against the Plaintiff in the past, accusing her of a traffic violation where she was able to prove never occurred, this is proof that Marasco, is guilty of violating a persons Due Process Rights in a continuing conduct. That Marasco is guilty of violating the state and federal constitutional rights of the

Plaintiff. That he is a TRESPASSOR OF THE LAW.

13. PEMBAUR V. CITY OF CINCINNATI

A United States SUPREME COURT case under 475 U.S. 469 (1986) clarified the case of Monel v. Dept. of Social Services (1978) and established that government can be held liable even for a single decision that was improperly made.

14. That the decision by Marasco to refuse me a Hearing before my license to drive was suspended, was a violation under 1983. Where damages are allowed for the violations of the Plaintiff's State and Federal Due Process rights. BEFORE BEFORE BEFORE her license to drive was suspended.

WHEREFORE: It is years that the Plaintiff's liberty rights to drive were denied by the State, when they suspended her license to drive ILLEGALLY, the Plaintiff has a viable claim under 1983 for a serious amount of damages, due to the violation of the Plaintiff's Federal and State Due Process rights to a HEARING before the Department of Motor Vehicles suspended her license to drive. Before they IMPRISONED HER, in her house without the use of a car, for transportation, taking away her liberty rights, in an IMPRISONMENT, an illegal Act against an 83 year old person, in violation of the Sixth Amendment.

That a jury trial will commence IMMEDIATELY or the court will be trespassing on the Law of the Land, and every decision of the Court will be void of no legal force, besides the fact that the Judge will lose jurisdiction in the matter, and the matter will go before another judge.

Respectfully,

Josephine Amatucci

July 15, 2024

c. DMV, State police

A handwritten signature in cursive script that reads "Josephine Amatucci". The signature is written in black ink and is positioned below the typed name "Josephine Amatucci".



Joseph  
PC  
Wolfeboro

United States District Court  
Office of the Clerk  
55 Pleasant St.  
Room 110  
Cambridge, N. H. 03301

## Retail



03301



U.S. POSTAGE PAID  
FCM LG ENV  
WEST OSSIPEE, NH 03890  
JUL 15, 2024

**\$1.77**

R2305K132837-22

RDC 99